

**IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE**

**Patent Application**

**Inventor(s):** Jan I. Ben et al.      **Filed:** July 29, 2003  
**Case:** Ben 2-16-1-10 (LCNT/125969)      **Serial No.:** 10/629,486  
**Examiner:** SAINT CYR, Leonard      **Group Art Unit:** 2626  
**Confirmation No.:** 7452

**Title:** CONTENT IDENTIFICATION SYSTEM

COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

**STATEMENT OF SUBSTANCE OF INTERVIEW**

SIR:

Please reconsider the above-identified patent application as follows.

In the event that an extension of time is required for this response to be considered timely, and a petition therefor does not otherwise accompany this response, any necessary extension of time is hereby petitioned for.

Applicants do not believe that any fee is due in connection with this response. In the event Applicants are incorrect, the Commissioner is authorized to charge any fees due, including extension of time and excess claim fees, to counsel's Deposit Account No. 50-4802/LCNT/**125969**.

**R EMARKS**

Claims 1-19, 21-30, 32-37 and 41-45 are pending in the application with claims 1, 21-24, 34-35 and 37 as independent. Claims 20, 31 and 38-40 are cancelled.

This communication is intended as a statement of the substance of an interview, held on January 28, 2009, between Examiner SAINT CYR, Leonard from the USPTO and Emmanuel Coffy, representative of the Applicants.

**Interview Summary**

Applicants' representative wishes to thank the Examiner for the courtesies extended during the interview and for facilitating same.

During the interview, Examiner Saint Cyr and Emmanuel Coffy agreed that the Examiner will rescind the Finality of the last issued Office Action. This agreement is predicated upon the arguments presented by Emmanuel Coffy. Specifically, the Examiner was apprised of the argument in the Applicant's response to the last Office Action articulating the fact that claims 22-23 and 35 recite "means for" limitations and as such requires the Examiner to consider the specific structure described in the specification to interpret these limitations. The Examiner did not respond to the aforementioned argument in the Final Office Action. Because these claims were lumped together with claim 1, the limitations that are different from claim 1 were not addressed. Accordingly, claims 22-23 and 35 were improperly rejected. The Examiner was further reminded that the "means for" limitation recited in the invention cannot be broadly interpreted by the Examiner to read on the implementation taught by Weare. In re Donaldson Co., 16 F.3d 1189, 29 USPQ2d 1845 (Fed. Cir. 1994). The structure disclosed by the Applicant cannot be disregarded. The Examiner's attention was directed to MPEP §2181 and Applicant's specification at page 7 starting at line 24 and ending at line 32. The Examiner rebutted by referring to Weare (U.S. Patent No. 7,065,416) at col. 16:37-50, which discloses band filtering as opposed to Applicant's segmenting structure.

**CONCLUSION**

In light of the Response submitted on October 14, 2008, the Applicant submits that none of the claims presently in the application are obvious under the respective provisions of 35 U.S.C. §103.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall or Emmanuel Coffy at (732) 842-8110 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Dated: 1/28/2009



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